

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re : Chapter 11
:
DPH HOLDINGS CORP., et al., : Case No. 05-44481 (RDD)
:
Reorganized Debtors. : (Jointly Administered)
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ORDER PURSUANT TO 11 U.S.C. § 503(b) AND FED. R.
BANKR. P. 3007 DISALLOWING AND EXPUNGING
PROOFS OF ADMINISTRATIVE EXPENSE CLAIM
NUMBERS 17081 AND 18049 FILED BY JAMES A. LUECKE

("CLAIMS OBJECTION ORDER REGARDING
JAMES A. LUECKE CLAIM")

Upon the Reorganized Debtors' Thirty-Seventh Omnibus Objection Pursuant to 11 U.S.C. § 503(b) and Fed. R. Bankr. P. 3007 to Expunge Certain (I) Prepetition Claims, (II) Equity Interests, (III) Books and Records Claims, (IV) Untimely Claims, (V) Paid Severance Claims, (VI) Pension, Benefit and OPEB Claims, and (VII) Duplicate Claims (Docket No. 18984) (the "Thirty-Seventh Omnibus Claims Objection"), by which DPH Holdings Corp. ("DPH Holdings") and certain of its affiliated reorganized debtors in the above-captioned cases (together with DPH Holdings, the "Reorganized Debtors"), successors of Delphi Corporation and certain of its subsidiaries and affiliates, debtors and debtors-in-possession in the above-captioned cases (collectively, the "Debtors"), objected to proof of administrative expense claim number 17081 filed by James A. Luecke (the "Claimant"); and upon the response to the Thirty-Seventh Omnibus Claims Objection (Docket No. 19007) (the "First Response"); and upon the

Reorganized Debtors' Forty-Fifth Omnibus Objection Pursuant To 11 U.S.C. § 503(b) And Fed. R. Bankr. P. 3007 To (I) Expunge Certain Administrative Expense (A) Severance Claims, (B) Books And Records Claims, (C) Duplicate Claims, (D) Pension And Benefit Claims, And (E) Transferred Workers' Compensation Claims, (II) Modify And Allow Certain Administrative Expense Severance Claims, And (III) Allow Certain Administrative Expense Severance Claims (Docket No. 19423) ("Forty-Fifth Omnibus Claims Objection" together with the Thirty-Seventh Omnibus Claims Objection, the "Omnibus Claims Objections"), by which the Reorganized Debtors objected to proof of administrative expense claim number 18049; and upon the response to the Forty-Fifth Omnibus Claims Objection (Docket No. 19707) (the "Second Response" and together with the First Response, the "Responses"); and upon the Reorganized Debtors' Supplemental Reply To Responses Of Certain Claimants To Debtors' Objections To Proof Of Claim Number 11375 Filed By Jeffrey A. Miller, Administrative Expense Claim Number 16925 Filed By Stanley D. Smith, Administrative Expense Claim Numbers 17081 And 18049 Filed By James A. Luecke, Administrative Expense Claim Number 18087 Filed By Frank X. Budelewski, Administrative Expense Claim Number 18604 Filed By Walter A. Kunka, Administrative Expense Claim Number 20017 Filed By Andrew C. Gregos, And Administrative Expense Claim Number 20054 Filed By Robyn R. Budd (Docket No. 19809) (the "First Supplemental Reply"); and upon the Reorganized Debtors' Supplemental Reply To Responses To Debtors' Objections To Administrative Expense Claim Numbers 17081 And 18049 Filed By James A. Luecke (Docket No. 20002) (the "Second Supplemental Reply"); and upon the Reorganized Debtors' Second Supplemental Reply to Responses to Debtors' Objections to Administrative Expense Claim Numbers 17081 and 18049 Filed by James A. Luecke (Docket No. 20595) (the "Third Supplemental Reply" together with the First Supplemental Reply and the Second Supplemental

Reply, the "Supplemental Replies" and together with the Omnibus Claims Objections, and the Responses, the "Pleadings"); and upon the record of the September 24, 2010 hearing held on the Omnibus Claims Objections to proof of administrative expense claim numbers 17081 and 18049; and after due deliberation thereon; and good and sufficient cause appearing therefor,

IT IS HEREBY FOUND AND DETERMINED THAT:¹

A. James A. Luecke, the holder of proofs of administrative expense claim numbers 17081 and 18049, was properly and timely served with copies of the Omnibus Claims Objections, a personalized Notice Of Objection To Claim for each Omnibus Claims Objection, a copy of the Order Pursuant To 11 U.S.C. § 502(b) And Fed. R. Bankr. P. 2002(m), 3007, 7016, 7026, 9006, 9007, And 9014 Establishing (I) Dates For Hearings Regarding Objections To Claims And (II) Certain Notices And Procedures Governing Objections To Claims (Docket No. 6089) (the "Claims Objection Procedures Order"), the Order Pursuant To 11 U.S.C. §§ 105(a) And 503(b) Authorizing Debtors To Apply Claims Objection Procedures To Address Contested Administrative Expense Claims (Docket No. 18998) (the "Administrative Claims Objection Procedures Order"), the proposed orders with respect to each of the Omnibus Claims Objections, and the notices of the deadline for responding to each of the Omnibus Claims Objections.

B. The Claimant submitted the Responses to the Omnibus Claims Objections.

C. On October 6, 2009, the Debtors substantially consummated the First Amended Joint Plan Of Reorganization Of Delphi Corporation And Certain Affiliates, Debtors And Debtors-In-Possession, As Modified (the "Modified Plan"), which had been approved by

¹ Findings of fact shall be construed as conclusions of law and conclusions of law shall be construed as findings of fact when appropriate. See Fed. R. Bankr. P. 7052. Capitalized terms used and not otherwise defined herein shall have the meanings ascribed to them in the Omnibus Claims Objections.

this Court pursuant to an order entered on July 30, 2009 (Docket No. 18707), and emerged from chapter 11 as the Reorganized Debtors.

D. On March 25, 2010, the Reorganized Debtors filed the Notice of Sufficiency Hearing with Respect to Debtors' Objections to Proofs of Claim Numbers 5268, 13270, 13838, 13880, 15585, 15589, 16925, 17081, 17773, 18049, 18087, 18604, 18740, 20017, and 20054 (Docket No. 19735) (the "Notice Of Hearing").

E. On July 15, 2010, the Reorganized Debtors filed the Notice of Adjournment of Sufficiency Hearing with Respect to Reorganized Debtors' Objection to Proofs Administrative Expense Claim Numbers 17081 and 18049 (Docket No. 20421) ("Notice of Adjournment")

F. The Claimant was properly and timely served with a copy of the Notice of Hearing, the Notice of Adjournment, and the Supplemental Replies.

G. This Court has jurisdiction over the contested matters set forth in the Pleadings pursuant to 28 U.S.C. §§ 157 and 1334. The Pleadings are core proceedings under 28 U.S.C. § 157(b)(2). Venue of these cases and the Pleadings in this district is proper under 28 U.S.C. §§ 1408 and 1409.

H. For the reasons stated by this Court at the September 24, 2010 hearing, the Claimant has compromised and settled the remaining portion of his claims; therefore, proofs of administrative expense claim number 17081 and 18049 should be disallowed and expunged in their entirety, without prejudice to the Claimant's rights against GM.

I. The relief requested in the Omnibus Claims Objections and the Supplemental Replies is in the best interests of the Reorganized Debtors, their creditors, and other parties-in-interest.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED

THAT:

1. Proofs of claim numbers 17081 and 18049 are hereby disallowed and expunged in their entirety.
2. Nothing contained herein shall constitute, nor shall it be deemed to constitute, the allowance of any claim asserted against any of the Debtors or the Reorganized Debtors.
3. This Court shall retain jurisdiction over the Reorganized Debtors and the holders of Claims subject to the Omnibus Claims Objections and the Supplemental Replies to hear and determine all matters arising from the implementation of this order.
4. Kurtzman Carson Consultants LLC is hereby directed to serve this order in accordance with the Claims Objection Procedures Order.

Dated: White Plains, New York
September 30, 2010

/s/Robert D. Drain
UNITED STATES BANKRUPTCY JUDGE